

**STATE WATER CONTROL BOARD ENFORCEMENT ACTION**  
**A SPECIAL ORDER BY CONSENT**  
**ISSUED TO**  
**EVERGREEN COUNTRY CLUB**  
**FOR THE**  
**EVERGREEN COUNTRY CLUB SEWAGE TREATMENT PLANT**  
*(VPDES Permit No. VA0087891)*

**SECTION A: Purpose**

This is a Consent Special Order issued under the authority of Va. Code ' ' 62.1-44.15 (8a) and (8d) and 10.1-1185, between the State Water Control Board and Evergreen Country Club regarding the Evergreen Country Club Sewage Treatment Plant, for the purpose of resolving certain alleged violations of environmental laws and regulations.

**SECTION B: Definitions**

Unless the context clearly indicates otherwise, the following words and terms have the meanings assigned to them below:

1. "Va. Code" means the Code of Virginia (1950), as amended.
2. "Board" means the State Water Control Board, a permanent citizens' board of the Commonwealth of Virginia as described in Va. Code ' ' 62.1-44.7 and 10.1-1184.

3. "Department" or "DEQ" means the Department of Environmental Quality, an agency of the Commonwealth of Virginia as described in Va. Code ' 10.1-1183.
4. "Director" means the Director of the Department of Environmental Quality.
5. "Order" means this document, also known as a Consent Special Order.
6. "ESS@ means the Environmental System Service, LTD.
7. "Evergreen Country Club STP" or "STP" means the Evergreen Country Club Sewage Treatment Plant.
8. "NVRO" means the Northern Virginia Regional Office of the Department.
9. "Permit" means Virginia Pollutant Discharge Elimination Permit System (VPDES) Permit No. VA0087891.

#### **SECTION C: Findings of Facts and Conclusions of Law**

1. Evergreen Country Club owns the Evergreen Country Club STP which is operated by ESS located in Prince William County, Virginia. The STP discharges wastewater to an unnamed tributary of Chestnut Lick, which is located in the Potomac River Basin. Discharges of wastewater are subject to Permit No. VA0087891, which was issued on May 27, 1998, and expires on May 27, 2003.
2. The Board has evidence to indicate that the Evergreen Country Club violated 9 VAC 25-31-190.A. The alleged violations are referenced in the following Warning Letters ("WL") and Notice of Violations (ANOV@): WL No. W2001-07-N-1013, dated July 12, 2001, citing alleged exceedences in May 2001 for total suspended solids ("TSS"), total kjeldahl nitrogen ("TKN"), carbonaceous biological oxygen demand (CBOD5) permit effluent limits; WL No. W2001-08-N-1012, dated August 13, 2001, citing alleged exceedences in June 2001 for TSS, TKN, and CBOD limits; WL No. W2001-09-N-1014, dated September 11, 2001, citing alleged exceedences in July 2001 for TSS, DO, and TKN limits; NOV No. W2001-10-N-0007, dated October 11, 2001, citing alleged exceedences in August 2001 for TSS, DO, TKN, and CBOD limits; NOV No. W2001-11-N-0010, dated November 15, 2001, citing alleged exceedences in September 2001 for TKN; NOV No. W2001-12-N-0008, dated December 18, 2001, citing alleged exceedences in October 2001 for TKN, CBOD, and chlorine.
3. On January 17, 2002, DEQ NVRO staff met with representatives of Evergreen Country Club ("Evergreen") to discuss its proposed plan for ensuring

compliance with the STP's Permit effluent limits. At the meeting, Evergreen representatives explained that the STP, because of its age and condition, could no longer consistently comply with all of the Permit limits despite planned improvements and, for this reason, Evergreen had committed to replace the existing STP with a new facility. Evergreen also agreed to implement additional operation and maintenance requirements at the existing STP in order to improve the treatment and quality of the STP's effluent while construction of the new facility is underway.

4. By letter dated February 5, 2002, Evergreen submitted a plan and schedule for designing and constructing the new facility. The plan and schedule are incorporated into Appendix A of this Order. Appendix B of this Order provides interim limits for TSS, TKN, and CBOD until construction of the new facility is complete. It is anticipated that construction of the new facility will be completed in February 2004.

#### **SECTION D: Agreement and Order**

Accordingly, the Board, by virtue of its authority granted in Va. Code ' 62.1-44.15(8a) and (8d), orders Evergreen Country Club, and Evergreen Country Club agrees, to perform the actions described in Appendix A and to comply with the interim limits provided in Appendix B of this Order. In addition, the Board orders Evergreen Country Club, and Evergreen Country Club voluntarily agrees, to pay a civil charge of \$3,800.00 within 30 days of the effective date of the Order in settlement of the alleged violations cited in this Order.

Payment of civil charges shall be by check, certified check, money order, or cashier's check payable to "Treasurer of Virginia" and shall include Evergreen Country Club's federal identification number. Payment shall be sent to:

Receipts Control  
Department of Environmental Quality  
Post Office Box 10150  
Richmond, Virginia 23240

#### **SECTION E: Administrative Provisions**

1. The Board may modify, rewrite, or amend the Order with the consent of Evergreen Country Club, for good cause shown by Evergreen Country Club, or on its own motion after notice and opportunity to be heard.
2. This Order addresses and resolves those violations specifically identified herein, including those matters addressed in the Warning Letters and Notice of Violations issued to Evergreen Country Club by DEQ on July 12, 2001, August 13, 2001, September 11, 2001, October 11, 2001, November 18, 2001 and December 18, 2001. This Order shall not

preclude the Board or Director from taking any action authorized by law, including, but not limited to: (1) taking any action authorized by law regarding any additional, subsequent, or subsequently discovered violations; (2) seeking subsequent remediation of the Facility as may be authorized by law; and/or (3) taking subsequent action to enforce the terms of this Order. This Order shall not preclude appropriate enforcement actions by other federal, state, or local regulatory authorities for matters not addressed herein.

3. For purposes of this Order and subsequent actions with respect to this Order, Evergreen Country Club admits the jurisdictional allegations, factual findings, and conclusions of law contained herein.
4. Evergreen Country Club consents to venue in the Circuit Court of the City of Richmond for any civil action taken to enforce the terms of this Order.
5. Evergreen Country Club declares it has received fair and due process under the Virginia Administrative Process Act, Code §§ 9-6.14:1 *et seq.*, and the State Water Control Law, and waives the right to any hearing or other administrative proceeding authorized or required by law or regulation and to judicial review of any issue of fact or law contained herein. Nothing herein shall be construed as a waiver of the right to any administrative proceeding for, or to judicial review of, any action taken by the Board to enforce this Order.
6. Failure by Evergreen Country Club to comply with any of the terms of this Order shall constitute a violation of an order of the Board. Nothing herein shall waive or bar the initiation of appropriate enforcement actions or the issuance of additional orders as appropriate by the Board or the Director as a result of such violations. Nothing herein shall affect appropriate enforcement actions by any other federal, state, or local regulatory authority.
7. If any provision of this Order is found to be unenforceable for any reason, the remainder of the Order shall remain in full force and effect.
8. Evergreen Country Club shall be responsible for failing to comply with any of the terms and conditions of this Order unless compliance is made impossible by earthquake, flood, other acts of God, war, strike, or such other occurrence. Evergreen Country Club must show that such circumstances resulting in noncompliance were beyond their control and not due to a lack of good faith or diligence on their part. Evergreen Country Club shall notify the Director of NVRO in writing when circumstances are anticipated to occur, are occurring, or have occurred that may delay compliance or cause noncompliance with any requirement of this Order. Such notice shall set forth:

- a. the reasons for the delay or noncompliance;
- b. the projected duration of such delay or noncompliance;
- c. the measures taken and to be taken to prevent or minimize such delay or noncompliance; and
- d. the timetable by which such measures will be implemented and the date full compliance will be achieved.

Failure to so notify the Regional Director within 24 hours of learning of any condition listed above, which Evergreen Country Club intends to assert will result in the impossibility of compliance, shall constitute a waiver of any claim of inability to comply with a requirement of this Order.

9. This Order is binding on the parties hereto, their successors in interest, designees, and assigns, jointly and severally.
10. This Order shall become effective upon execution by both the Director or his designee and Evergreen Country Club. Notwithstanding the foregoing, Evergreen Country Club agrees to be bound by any compliance date that proceeds the effective date of this Order.
11. This Order shall continue in effect until the Director or the Board terminates this Order in his or its sole discretion upon 30 days' written notice to the Evergreen Country Club. Termination of this Order, or of any obligation imposed in this Order, shall not operate to relieve Evergreen Country Club from its obligation to comply with any statute, regulation, permit condition, other order, certificate, certification, standard, or requirement otherwise applicable.
12. By its signature below, Evergreen Country Club voluntarily agrees to the issuance of this Order.

And it is so ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 2002.

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Robert G. Burnley, Director  
Department of Environmental Quality

Evergreen Country Club voluntarily agrees to the issuance of this Order.

By: \_\_\_\_\_

Date: \_\_\_\_\_

Commonwealth of Virginia  
City/County of \_\_\_\_\_

The foregoing document was signed and acknowledged before me this \_\_\_\_\_ day of

\_\_\_\_\_, 2002, by \_\_\_\_\_ who is  
( name )

\_\_\_\_\_ Evergreen Country Club.  
( title)

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_

## **APPENDIX A SCHEDULE OF COMPLIANCE**

Evergreen Country Club agrees to:

1. By May 1, 2002, submit to the Virginia Department of Health (“VDH”) and DEQ a preliminary engineering report regarding the treatment system alternatives for the new sewage treatment plant (“new STP”);
2. By October 1, 2002, submit to VDH plans and specifications for the design and construction of the new STP;
3. Within 45 days of approval of plans and specifications by DEQ and VDH, advertise the project for construction bids;
4. Within 60 days of advertising the project for construction bids, select a firm to complete the project;
5. Within 45 days of awarding the contract for the project, begin construction;
6. Within 30 days of beginning construction, submit to VDH and DEQ for review and approval a closure plan for the existing STP;
7. Within 18 months of beginning construction, complete construction of the new STP;
8. Within 60 days of completion of construction of the new STP, take the existing STP off-line in accordance with the approved closure plan and achieve compliance with final Permit effluent limits;
9. Beginning April 1, 2002, arrange to have a licensed operator with at least a Class IV wastewater treatment plant operators license perform daily routine maintenance a minimum of one hour each day at the STP; and
10. Beginning April 1, 2002, submit to DEQ NVRO a monthly log report describing the restaurant's grease trap performance. This report shall also describe the maintenance activities performed with regards to the restaurant's grease trap during the upcoming month. Subsequent monthly log reports will be due with the submittal of the monthly DMR until the cancellation of this Order.

1. By October 1, 2001, commence construction of the upgrade and expansion of the STP and complete construction by October 1, 2002 in accordance with plans and specifications approved by the Virginia Department of Health and DEQ;
2. Submit monthly project progress reports with the DMR submission and continue to operate the STP in a workman-like manner striving to produce the best quality effluent of which it is capable while the upgrade and expansion of the STP is under construction; and
3. By May 1, 2003, achieve compliance with final Permit effluent limits.
4. Maintain a log book on site, available for DEQ inspection, of weekly monitoring and routine maintenance of the kitchen's grease trap.

September 11, 2001

Kelly Yost  
Town Administrator  
Town of Round Hill  
23 Main Street (Route 719 North)  
P.O. Box 36  
Round Hill, Virginia 20142-0036

Re: Proposed Consent Order regarding The Town of Round Hill Sewage  
Treatment Plant (VA0026212)

Dear Mr. Yost:

Enclosed for signature are three original copies of the agreed upon Special Order By Consent ("Order") between The Town of Round Hill and DEQ NVRO to be presented at the next State Water Control Board ("Board") meeting. The next meeting of the Board is scheduled to convene in December 2001. The Board will consider and vote on the staff's recommendation regarding the above referenced Order.

Please have responsible official sign page 5, have the Order notarized and return all three documents at your earliest convenience.



If you need further clarification concerning this Order, please call the undersigned at (703) 583-3888. Again, thank you for your cooperation with this matter.

Sincerely,

Douglas E. Washington  
Enforcement / Compliance Specialist

### Enclosures (3)

On or before April 1, 2003, comply with all final effluent limitations and monitoring requirements as outlined in Appendix B to this Order.

The STP will employ short term corrective measures necessary to ensure the return to full and consistent compliance, provided that such measures are in accordance with the Permit.

If, by November 1, 2002, the corrective action undertaken to that date have not maintained the STP in complete and consistent compliance, Evergreen Country Club will by November 30, 2002, submit to DEQ for review and approval a plan and schedule for ensuring the return to full and consistent compliance. Upon DEQ's approval, this plan and schedule will then be incorporated by reference into this Order. As part of this plan Evergreen Country Club will provide for a report which will evaluate the performance of the STP.

Maintain a log book on site, available for DEQ inspection, of weekly monitoring and maintenance of the kitchen's grease trap.

Appendix A requires the STP to develop and implement an inspection program for the kitchen's grease trap and review and evaluate the efficiency of the STP's and polishing pond.

On October 25, 2001, DEQ NVRO staff conducted a site inspection at the STP. During the site inspection, DEQ NVRO staff observed problems with the STP equipment and routine operational practices. The problems included a comminutor which had been taken off-line. ESS asserts that the bearings in the comminutor were not functioning properly. In addition, the return activated sludge valve had inadvertently been closed. This resulted in aerator basin being discolored and having a septic odor. Furthermore, there were dechlorination tablet deposits in the receiving stream.

By letter to NVRO dated November 8, 2001, ESS submitted a written plan and schedule of actions designed to bring the STP into compliance with the Permit's TSS effluent limits. Sections of this plan and schedule have been incorporated into Appendix A of this Order.

By XXX XX, 2001, develop and maintain daily inspection logs that address any \_\_\_\_\_ or operations problems including, but not limited to, \_\_\_\_\_. The daily log will be made available for review to DEQ NVRO staff during site inspections.

By XXXXX XX, 2001, submit to NVRO for review, a plan and schedule to address \_\_\_\_\_. Evergreen Country Club shall implement the plan immediately upon approval by DEQ.

Appendix A of this Order requires Evergreen Country Club to develop and implement actions to improve the operation of the Evergreen Country Club STP.

Within thirty (30) days from the effective date of this Order, submit a plan and schedule to implement measures to improve the Evergreen Country Club STP performance and effluent quality. Upon approval by DEQ NVRO the plan and schedule shall become a part of and enforceable under the terms of this Order. The plan and schedule must include, but is not limited to:

By September 1, 2002, submit a plan and schedule to DEQ NVRO for additional corrective measures to improve the STP's performance, if DEQ determines that the approved measures taken are insufficient to allow the STP to consistently meet final effluent limits in Appendix B of this Order.

Submit monthly progress reports to DEQ NVRO. The progress reports are due by the 10<sup>th</sup> of each month beginning the month after the signing of this Order along with the DMR until the STP demonstrates consistent compliance with final effluent limits. The progress report shall identify work completed during the previous month pursuant to this Order and work projected for the upcoming month. The progress report shall include a statement regarding any anticipated problems in future compliance with this Order.

By April 1, 2003, comply with all final effluent limitations and monitoring requirements in accordance with the Permit.

... the STP was in a condition of disrepair

Between XXX XX, 1997, and XXX XX, 1998, the STP had XXX violations of CBOD5, XXX violations of TSS, XXX violation of TKN, and XXX violations of \_\_\_\_\_ effluent limits. These XXXX exceedances are violations of Va. Code 62.1-44.5 and 9 VAC 25-31-190.

Submit a report, which evaluates the existing STP, and include a plan and schedule to bring the STP into compliance with . . .

The problem was accompanied by a foul odor which was noticeable

Take steps to maximize the STP operating efficiency such that . . .

Comminutor was off-line.

APPENDIX B

INTERIM EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

Evergreen Country Club Sewage Treatment Plant

During the period beginning with the effective date of this Order and lasting until the Evergreen Country Club complies with the items 10 of Appendix A hereto, Evergreen Country Club shall monitor and limit the discharge in accordance with VPDES Permit No. VA0087891, except as specified below. These interim effluent limits shall retroactively apply, if applicable, as of the first day of the month in which this Order becomes effective. These interim requirements shall be construed in light of the Board's Permit Regulation.

EFFLUENT CHARACTERISTICS  
MONITORING REQUIREMENTS

DISCHARGE LIMITATIONS

<u>Maximum</u>	<u>Frequency</u>	<u>Monthly Average</u>		<u>Weekly Average</u>	<u>Minimum</u>
		<u>Sample Type</u>			
CBOD <sub>5</sub>		25.0 mg/l	0.71 kg/d		
NA	1/W	Grab		NL	NA
Total Kjeldah Nitrogen		NL	NL		
NA	1/W	Grab		NL	NA
Total Suspended Solids		30.0 mg/l	0.85 kg/d		
NA	1/W	Grab		NL	NA

NL - No Limitation, Monitoring Required  
NA - Not Applicable  
1/W - One per Week  
Grab - An individual sample collected in less than fifteen minutes

The design flow of this treatment facility is 0.0075 MGD.